

AMENDED IN SENATE APRIL 27, 2011

**SENATE BILL**

**No. 132**

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**Introduced by Senator Lowenthal**

January 27, 2011

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An act to ~~add Sections 17070.31, 17070.94, and 17251.1 to amend Sections 17211 and 17251 of, and to add Section 17070.31 to, the Education Code, and to amend Section 13102 of the Government Code, relating to school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as amended, Lowenthal. School facilities: state planning priorities.

(1) Existing law sets forth state planning priorities that are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state. Those priorities are as follows: (a) to promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land, (b) to protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, and (c) to encourage efficient development patterns by ensuring that any infrastructure associated with development, other than infill development, supports new development that meets prescribed criteria.

Under the Leroy F. Greene School Facilities Act of 1998 (hereafter the Greene Act), the State Allocation Board is charged with the allocation of state funds to school districts for the acquisition of schoolsites and the construction *and modernization* of schools.

This bill would require the State Allocation Board, on or before July 1, 2012, to ~~revise~~ *review the* guidelines, rules, regulations, procedures, and policies for the acquisition of schoolsites and the construction of school facilities pursuant to the Greene Act ~~adopted for implementation of the Greene Act to ensure they~~ reflect the state planning priorities referenced above ~~and to revise those guidelines, rules, regulations procedures, and policies as necessary.~~ *The bill also would require, on or after July 1, 2012, a school district, as part of an application for funding under the Greene Act, to certify that a schoolsite or school facility included in that application promote those state planning priorities.*

(2) Existing law requires the State Department of Education, among other things, to advise the governing board of a school district on the acquisition of new schoolsites, to develop standards for use by a school district in the selection of schoolsites, and to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety. *Existing law requires the governing board of a school district, before commencing the acquisition of real property for a new schoolsite or an addition to an existing schoolsite, to evaluate the property using the standards developed by the department.*

This bill would require ~~that, on and after July 1, 2012, advice, standards, surveys, or information regarding the acquisition of schoolsites or the construction of school facilities provided by the State Department of Education pursuant to this requirement reflect the state planning priorities referenced above in paragraph (1) the site selection standards and the design and construction standards developed by the department to reflect the state planning priorities and would require the governing board of a school district to consider whether a new schoolsite or addition reflects the state planning priorities.~~

(3) Existing law requires the Governor to submit annually a proposed 5-year infrastructure plan to the Legislature in conjunction with the Governor's Budget. Existing law requires this infrastructure plan to include a proposal for funding the infrastructure that includes criteria and priorities used to identify and select the infrastructure proposed to be funded. These criteria and priorities are required, with respect to the identification of new, rehabilitated, modernized, improved, or renovated infrastructure requested by state agencies, to be consistent with the state planning priorities referenced above in paragraph (1) by January 1, 2005.

This bill would additionally require that the criteria and priorities used to identify and select infrastructure proposed to be funded for kindergarten through grade 12 public schools necessary to accommodate increased enrollment, class size reduction, and school modernization be consistent with the state planning priorities referenced above in paragraph (1) by July 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) The state planning priorities are intended to promote equity,*  
4     *strengthen the economy, protect the environment, and promote*  
5     *public health and safety. The state planning priorities promote*  
6     *infill development and equity by rehabilitating, maintaining, and*  
7     *improving existing infrastructure, protect environmental and*  
8     *agricultural resources, and encourage efficient development*  
9     *patterns.*

10    *(b) High-quality schools serve as the cornerstone of sustainable*  
11    *and healthy communities. The quality and location of schools affect*  
12    *local land use and transportation patterns, community vitality,*  
13    *economic development, and, most importantly, pupil outcomes.*

14    *(c) The state makes a significant investment in the construction*  
15    *and modernization of school facilities and seeks to ensure that this*  
16    *investment is consistent with state infrastructure goals.*

17    *(d) In order to achieve the state's economic and environmental*  
18    *goals, it is essential that the state school facility construction*  
19    *investment reflect state planning priorities.*

20    *SECTION 1.*

21    *SEC. 2. Section 17070.31 is added to the Education Code, to*  
22    *read:*

23    17070.31. On or before July 1, 2012, the board shall ~~revise any~~  
24    ~~review the~~ guidelines, rules, regulations, procedures, and policies  
25    ~~for the acquisition of schoolsites and the construction and~~  
26    ~~modernization of school facilities adopted~~ pursuant to this chapter  
27    ~~to ensure that they~~ reflect the state planning priorities set forth in  
28    Section 65041.1 of the Government Code ~~and shall revise them~~  
29    ~~as necessary.~~

1     ~~SEC. 2. Section 17070.94 is added to the Education Code, to~~  
2     ~~read:~~

3     ~~17070.94. On and after July 1, 2012, as part of an application~~  
4     ~~for funding under this chapter, a school district shall certify that~~  
5     ~~any schoolsite or school facility included in that application~~  
6     ~~promotes the state planning priorities set forth in Section 65041.1~~  
7     ~~of the Government Code.~~

8     ~~SEC. 3. Section 17251.1 is added to the Education Code, to~~  
9     ~~read:~~

10    ~~17251.1. On and after July 1, 2012, any advice, standards,~~  
11    ~~surveys, or information regarding the acquisition of schoolsites or~~  
12    ~~the construction of school facilities provided by the department~~  
13    ~~pursuant to this chapter shall reflect the state planning priorities~~  
14    ~~set forth in Section 65041.1 of the Government Code.~~

15    ~~SEC. 3. Section 17211 of the Education Code is amended to~~  
16    ~~read:~~

17    ~~17211. Prior to~~ Before commencing the acquisition of real  
18    property for a new schoolsite or an addition to an existing  
19    schoolsite, the governing board of a school district shall evaluate  
20    the property at a public hearing using the site selection standards  
21    established by the ~~State Department of Education~~ department  
22    pursuant to subdivision (b) of Section 17251. ~~The governing board~~  
23    ~~of a school district shall consider whether the new school site or~~  
24    ~~addition reflect the state planning priorities set forth in Section~~  
25    ~~65041.1 of the Government Code.~~ The governing board may direct  
26    the district's advisory committee established pursuant to Section  
27    17388 to evaluate the property pursuant to those site selection  
28    standards and to report its findings to the governing board at the  
29    public hearing.

30    ~~SEC. 4. Section 17251 of the Education Code is amended to~~  
31    ~~read:~~

32    ~~17251. The State Department of Education shall do all of the~~  
33    ~~following:~~

34    (a) Upon the request of the governing board of ~~any~~ a school  
35    district, advise the governing board on the acquisition of new  
36    schoolsites and, after a review of available plots, give the governing  
37    board in writing a list of the recommended locations in the order  
38    of their merit, considering especially the matters of educational  
39    merit, safety, reduction of traffic hazards, and conformity to the  
40    land use element in the general plan of the city, county, or city and

1 county having jurisdiction. The governing board may purchase a  
2 site deemed unsuitable for school purposes by the ~~State Department~~  
3 ~~of Education~~ *department* only after reviewing the department's  
4 report on proposed sites at a public hearing. The department shall  
5 charge the school district a reasonable fee for each schoolsite  
6 reviewed not to exceed the actual administrative costs incurred for  
7 that purpose.

8 (b) Develop standards for use by a school district in the selection  
9 of schoolsites, in accordance with the objectives set forth in  
10 subdivision (a). *The standards shall reflect the state planning*  
11 *priorities set forth in Section 65041.1 of the Government Code.*  
12 The department shall investigate complaints of noncompliance  
13 with site selection standards and shall notify the governing board  
14 of the results of the investigation. If that notification is received  
15 ~~prior to~~ *before* the acquisition of the site, the governing board shall  
16 discuss the findings of the investigation in a public hearing.

17 (c) Establish standards for use by school districts to ensure that  
18 the design and construction of school facilities are educationally  
19 appropriate and promote school safety. *The standards shall reflect*  
20 *the state planning priorities set forth in Section 65041.1 of the*  
21 *Government Code.*

22 (d) Upon the request of the governing board of ~~any~~ *a* school  
23 district, review plans and specifications for school buildings in the  
24 ~~district.~~

25 ~~The district.~~ The department shall charge ~~governing boards of~~  
26 ~~school districts~~ *the school district*, for the review of plans and  
27 specifications, a reasonable fee not to exceed the actual  
28 administrative costs incurred for that purpose.

29 (e) Upon the request of the governing board of ~~any~~ *a* school  
30 district, make a survey of the building needs of the district, advise  
31 the governing board concerning the building needs, *and* suggest  
32 plans for financing a building program to meet the needs. The  
33 department shall charge the *school* district, for the cost of the  
34 survey, a reasonable fee not to exceed the actual administrative  
35 costs incurred for that purpose.

36 (f) Provide information relating to the impact or potential impact  
37 upon any schoolsite of hazardous substances, solid waste, safety,  
38 hazardous air emissions, and other information as the department  
39 may deem appropriate.

1     ~~SEC. 4.~~

2     *SEC. 5.* Section 13102 of the Government Code is amended  
3 to read:

4     13102. In conjunction with the Governor's Budget submitted  
5 pursuant to Section 13337, the Governor shall submit annually a  
6 proposed five-year infrastructure plan to the Legislature. This plan  
7 shall cover a five-fiscal-year period beginning with the fiscal year  
8 that is the same as that covered by the Governor's Budget with  
9 which it is being submitted.

10    The infrastructure plan shall contain the following information  
11 for the five years that it covers:

12    (a) (1) Identification of new, rehabilitated, modernized,  
13 improved, or renovated infrastructure requested by state agencies.

14    (2) Aggregate funding for transportation as identified in the  
15 four-year State Transportation Improvement Program Fund  
16 Estimate prepared pursuant to Sections 14524 and 14525.

17    (3) Infrastructure needs for kindergarten through grade 12 public  
18 schools necessary to accommodate increased enrollment, class  
19 size reduction, and school modernization.

20    (4) The instructional and instructional support facilities needs  
21 for the University of California, the California State University,  
22 and the California Community Colleges.

23    (b) The estimated cost of providing the infrastructure identified  
24 in subdivision (a).

25    (c) A proposal for funding the infrastructure identified in  
26 subdivision (a), that includes all of the following:

27    (1) Criteria and priorities used to identify and select the  
28 infrastructure it does propose to fund, including criteria used to  
29 identify and select infrastructure that by July 1, 2012, shall be  
30 consistent with the state planning priorities specified pursuant to  
31 Section 65041.1 for infrastructure requested by state agencies  
32 pursuant to paragraphs (1) and (3) of subdivision (a).

33    (2) Sources of funding, including, but not limited to, General  
34 Fund, state special funds, federal funds, general obligation bonds,  
35 lease revenue bonds, and installment purchases.

36    (3) An evaluation of the impact of the new state debt on the  
37 state's existing overall debt position if the plan proposes the  
38 issuance of new state debt.

39    (4) (A) Recommended specific projects for funding or the  
40 recommended type and amount of infrastructure to be funded in

1 order to meet programmatic objectives that shall be identified in  
2 the proposal.  
3 (B) Any capital outlay or local assistance appropriations  
4 intended to fund infrastructure included in the Governor's Budget  
5 shall derive from, and be encompassed by, the funding proposal  
6 contained in the plan.

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